

Union Calendar No. 98

97TH CONGRESS
1ST SESSION

H. R. 3519

[Report No. 97-71, Parts I, II, and III]

To authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1981

Mr. PRICE (for himself and Mr. DICKINSON) introduced the following bill; which was referred to the Committee on Armed Services

MAY 19, 1981

Reported and referred to the Committee on the Judiciary and to the Committee on Government Operations for a period ending not later than June 9, 1981, for consideration of such provisions of said bill as fall within the jurisdictions of those committees under clause 1(m), and clause 1(j)(2) (relating to Federal procurement), rule X, respectively

JUNE 9, 1981

Referral to the Committees on Government Operations and the Judiciary extended for a period ending not later than June 12, 1981

tion of the full Civil Reserve Air Fleet unless the aircraft is released from that use by the Secretary of Defense.”.

(b) Effective beginning with fiscal year 1982, there are authorized to be appropriated such sums as may be necessary to carry out subchapter II of chapter 931 of title 10, United States Code (as added by subsection (a)).

AUTHORIZATION OF MILITARY COOPERATION WITH
CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. ~~908.~~ 906. (a) Part I of subtitle A of title 10, United States Code, is amended by adding after chapter 17 the following new chapter:

["CHAPTER 18—MILITARY COOPERATION WITH
CIVILIAN LAW ENFORCEMENT OFFICIALS

["Sec.

["371. Use of information obtained by members of the armed forces.

["372. Use of armed forces equipment and facilities.

["373. Training and advising civilian law enforcement officials.

["374. Regulations.

["375. Military personnel assistance.

["§ 371. Use of information obtained by members of the
armed forces

["The Secretary of Defense may provide to Federal, State, and local civilian law enforcement officials any information collected during the normal course of military operations that may be relevant to a violation of any Federal or State law.

1 **["§ 372. Use of armed forces equipment and facilities**

2 **["The Secretary of Defense may make available any**
3 **equipment, base facility, or research facility of the armed**
4 **forces to any Federal, State, or local civilian law enforcement**
5 **official if the making of such equipment or facility available**
6 **will not adversely affect the military preparedness of the**
7 **United States.**

8 **["§ 373. Training and advising civilian law enforcement**
9 **officials**

10 **["The Secretary of Defense may assign members of**
11 **the armed forces to train Federal, State, and local law en-**
12 **forcement officials in the operation of military equipment**
13 **made available under section 372 of this title and to provide**
14 **expert advice relevant to the purposes of this chapter, if the**
15 **provision of such training or advice will not adversely affect**
16 **the military preparedness of the United States.**

17 **["§ 374. Regulations**

18 **["(a) The Secretary of Defense shall issue such regula-**
19 **tions as may be necessary to insure that the provision of any**
20 **assistance, or the provision of any equipment or facility, to**
21 **any Federal, State, or local civilian law enforcement official**
22 **under this chapter does not impair any training or operation**
23 **necessary to the military preparedness of the United States.**

24 **["(b) The Secretary of Defense shall also issue such**
25 **regulations as may be necessary to insure that reimbursement**
26 **for the provision of assistance, including the provision of any**

1. equipment or facility, under this chapter to any Federal,
 2. State, or local civilian law enforcement official may be ob-
 3. tained whenever the Secretary determines such reimburse-
 4. ment to be appropriate.

5. **["§ 375. Military personnel assistance**

6. **["The Secretary of Defense, upon request from a Fed-**
 7. **eral drug agency, is authorized to assign members of the**
 8. **armed forces to assist Federal drug enforcement officials in**
 9. **drug seizures or arrests provided that (1) any such assistance**
 10. **will not adversely affect the military preparedness of the**
 11. **United States, (2) the Secretary of Defense verifies that the**
 12. **drug enforcement operation may not succeed without military**
 13. **personnel assistance, (3) Federal drug enforcement officials**
 14. **maintain ultimate control over the activities and direction of**
 15. **any drug enforcement operation, and (4) such assignment**
 16. **shall not occur in any location or circumstance not previously**
 17. **approved by the Secretary of State.".]**

18. **"CHAPTER 18—MILITARY COOPERATION WITH**
 19. **CIVILIAN LAW ENFORCEMENT OFFICIALS**

"Sec.

"371. Use of information obtained by members of the Army, Navy,
 Air Force, and Marine Corps.

"372. Use of Army, Navy, Air Force, and Marine Corps equipment
 and facilities.

"373. Training and advising civilian law enforcement officials.

"374. Regulations.

"375. Military personnel assistance.

1 "§ 371. Use of information obtained by members of the
2 Army, Navy, Air Force, and Marine Corps

3 "The Secretary of Defense may, in accordance
4 with other applicable law, provide to Federal,
5 State, or local law enforcement officials any infor-
6 mation collected during the normal course of mili-
7 tary operations that may be relevant to a violation
8 of any Federal or State law within the jurisdiction
9 of such officials.

10 "§ 372. Use of Army, Navy, Air Force, and Marine Corps
11 equipment and facilities

12 "The Secretary of Defense may, in accordance
13 with other applicable law, make available any
14 equipment, base facility, or research facility of the
15 Army, Navy, Air Force, or Marine Corps to any
16 Federal, State, or local civilian law enforcement
17 official for law enforcement purposes.

18 "§ 373. Training and advising civilian law enforcement of-
19 ficials

20 "The Secretary of Defense may assign mem-
21 bers of the Army, Navy, Air Force, and Marine
22 Corps to train Federal, State, and local civilian
23 law enforcement officials in the operation and
24 maintenance of equipment made available under
25 section 372 of this title and to provide expert
26 advice relevant to the purposes of this chapter.

1 "§ 374. Regulations

2 "(a) The Secretary of Defense shall issue such
3 regulations as may be necessary to assure that the
4 provision of any assistance, or the provision of
5 any equipment or facility, to any law enforcement
6 official under this chapter does not—

7 "(1) adversely affect the military prepar-
8 edness of the United States; or

9 "(2) include or permit direct participa-
10 tion by any member of the Army, Navy, Air
11 Force, or Marine Corps in any search and
12 seizure, arrest, or other similar activity
13 unless participation in such activity by such
14 member is otherwise authorized by law.

15 "(b) The Secretary of Defense shall issue regu-
16 lations providing that reimbursement may be a
17 condition of assistance to any law enforcement of-
18 ficial under this chapter.

19 "§ 375. Military personnel assistance

20 "The Secretary of Defense, upon request from
21 the head of a Federal agency with jurisdiction to
22 enforce the Controlled Substances Act or the Con-
23 trolled Substances Import and Export Act, may
24 assign members of the Army, Navy, Air Force, or
25 Marine Corps to operate and maintain or assist
26 such agency's law enforcement officials in operat-

1 ing and maintaining equipment made available
 2 under section 372 of this title with respect to any
 3 violation of the Controlled Substances Act or the
 4 Controlled Substances Import and Export Act.”.

5 (b) The tables of chapters at the beginning of subtitle A
 6 of such title and at the beginning of part I of subtitle A of
 7 such title are amended by adding after the item relating to
 8 chapter 17 the following new item:

“18. Military Cooperation with Civilian Law Enforcement Officials..... 371”.

9 (c) Effective beginning with fiscal year 1982, there are
 10 authorized to be appropriated such sums as may be necessary
 11 to carry out chapter 18 of title 10, United States Code (as
 12 added by subsection (a)).

13 ~~ARMED SERVICES PROCUREMENT POLICY~~

14 ~~SEC. 909.~~ (a) Section 2301 of title 10, United States
 15 Code, relating to defense procurement policy, is amended—

16 (1) by inserting “(b)” before “It is”; and

17 (2) by inserting after the section heading the fol-
 18 lowing:

19 “(a)(1) The Congress finds that in order to ensure na-
 20 tional defense preparedness, to conserve fiscal resources, and
 21 to enhance defense production capability, it is in the interest
 22 of the United States to acquire property and services for the
 23 Department of Defense in the most timely, economic, and
 24 efficient manner. It is therefore the policy of the Congress